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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/718,097

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Joseph A. Grundfest

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04/09/2009

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EXAMINER

ELISCA, PIERRE E

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

04/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/718,097	Applicant(s) GRUNDFEST ET AL.	
	Examiner Pierre E. Elisca	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27, 51, 70, 92, 116 and 137 -139 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27, 51, 70, 92, 116 and 137 -139 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's arguments filed on 01/16/2009.
2. Claims 1-27, 51, 70, 92, 116 and 137 -139 are currently pending.

Claim Objections

3. Claims 1-27, 51, 70, 92, 116 and 137 -139 are objected to for usage of the functional language "configured to". It is believed that Applicants intend "configured to" to mean "programmed to" since "configured to" is functional language and therefore given less patentable weight. In light of the notice function of the claims, the Examiner respectfully requests changing "configured to" to "programmed to" where a positive recitation is desired. See Also MPEP 2106.

Information Disclosure Statement

4. IDSs filed on 04/29/2008 have been considered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-27, 51, 70, 92, 116 and 137-139 are rejected under 35 U.S.C. 103(a) as being unpatentable over O' Neal et al (U.S. PG Pub No. 2004/0062370) in view of Underwood, Roy Aaron (U.S. Pat. No. 7,100,195).

As per claim 1, O'Neal et al substantially discloses a system for facilitating processing and disposition of a transaction within an access controlled environment, comprising:

an access control facility accessible via a global data processing network and configured to maintain user information, and to permit or deny a user to enter an access controlled environment within a data processing environment and to perform user operations within the access controlled environment; a transaction management facility operable within the access controlled environment, coupled to the access control facility, and configured to store and maintain transaction data based on the transaction, the user operations, and a security scheme;

an authentication facility operable within the access controlled environment and configured to authenticate the transaction data based on an authentication scheme corresponding to the transaction; and a billing facility configured to consolidate data related to internal operations performed by the access control facility, the transaction management facility, and the authentication facility to generate and process billing data and to send a billing notice to a responsible party via the global data processing network (*see figs 1, 2, 3, 4, pps 0045, 00464, 0047, 0065-0066, 0073, 0079-0082, 0086*).

O'Neil fails to explicitly disclose the limitation of authenticating the transaction data records (or rules). However, Underwood discloses a site server for providing information

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related to users. An identity of one of the users is authenticated based on transaction data records (see., abstract, col 1-col 28). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of O'Neil by including the limitation detailed above as taught by Underwood because this would allow a user to view and change the authentication transaction data.

As per claims 2-27, 51, 70, 92, 116 and 137-139, their limitations do not further limit the scope of the invention. Moreover, their limitations are fully taught in O'Neal et al disclosure. Therefore, they are rejected under the same rationale as claim 1.

RESPONSE TO ARGUMENTS

7. Applicant's arguments with respect to claims 1-27, 51, 70, 92, 116 and 137 have been fully considered but they are moot in view of new ground (s) of rejection. persuasive.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00. Hotelier.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Pierre E. Elisca/
Primary Examiner, Art Unit 3621